

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CASTRO VALLEY UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015020718

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On February 13, 2015, Castro Valley Unified School District filed a Due Process Hearing Request (complaint), naming Student. This matter is currently set for hearing beginning March 10, 2015. On February 26, 2015, Castro Valley sought leave to amend its original complaint by filing an Amended Request for Due Process Hearing. On March 2, 2015, Student filed a Non-Opposition to the Amended Request for Due Process Hearing.

APPLICABLE LAW

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

DISCUSSION

Since filing its original complaint, Castro Valley learned that Student, a 19 year-old young man, is conserved by his Parent who holds the power to make educational decisions for Student. Therefore, Castro Valley seeks to amend its complaint to name the correct party, namely, Parent on behalf of Student. The motion to amend is timely and unopposed, and is granted.

ORDER

1. Castro Valley's motion to amend is granted. The amended complaint shall be deemed filed on the date of this Order.

2. All applicable timelines shall be reset as of the date of this Order. OAH will issue a scheduling order with the new dates.

DATE: March 4, 2015

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings